

## **REMARKS**

A "Notice of Non-Compliant Amendment (37 CFR 1.121)" dated 3/24/2006 was issued in this reissue application, stating that the Amendment filed on 3/13/2006 in this application is considered non-compliant as failing to meet the claim amendments requirements of 37 CFR 1.121. As a result, the Amendment filed on 3/13/2006 has not been entered by the Office.

The present application is a reissue application. It is applicant's understanding that 37 CFR 1.121 is not applicable to reissue applications, specifically in view of 37 CFR 1.121(a) which expressly excludes amendments in reissue applications from the requirements of 37 CFR 1.121.

Rather, as stated in MPEP §714 III, "Amendments in reissue applications must be made in accordance with 37 CFR 1.173." In reviewing the "Claim Amendments" section of the Amendment filed 3/13/2006, applicant noted that the amendments to claims 39, 40 and 79-83 were non-compliant with 37 CFR 1.173(b)(2) in that these amended claims did not include the proper identifiers according to that section.

By the above Supplemental Amendment, the "Claim Amendments" section of the 3/13/2006 Amendment has been changed such that claims 39 and 40 include the identifier "(twice amended)", and previously added claims 79-83 each include the identifier "(amended)". With these identifiers, the amended claims are in compliance with 37 CFR 1.173(b)(2), and each of claims 39, 40 and 79-85 include proper markings pursuant to 37 CFR 1.173(d).

Accordingly, applicant submits that the "Claim Amendments" section of the above Supplemental Amendment complies with the requirements of 37 CFR 1.173. Applicant respectfully requests that the above "Claim Amendments" section be substituted for the "Claim Amendments" section submitted in the Amendment filed 3/13/2006, and that the 3/13/2006 Amendment augmented by this Supplemental Amendment be entered in this reissue application.

It is applicant's understanding that the 30-day response time noted in the 3/24/2006 Notice of Non-Compliant Amendment applies to the present Supplemental Amendment. If this understanding is incorrect, applicant hereby petitions for a one month extension of time under

37 CFR 1.36, and the Office is authorized to charge Deposit Account No. 23-0822 for the petition fee as applicable.

Applicant's attorney thanks Examiner Stephen J. Kalafut for his kind assistance in this matter during a telephone conference on March 28, 2006.

Respectfully submitted,

Date: March 28, 2006



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